

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ECOFACOR, INC.,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 6:20-cv-00075 (ADA)

GOOGLE LLC’S NOTICE OF CROSS-APPEAL

Notice is hereby given that Defendant Google LLC (“Google”) hereby appeals to the U.S. Court of Appeals for the Federal Circuit from (i) the denial at the September 27, 2022 motion hearing of Google’s Rule 50(b) motion for judgment as a matter of law; (ii) the denial at the September 27, 2022 motion hearing of Google’s Rule 59 motion for a new trial; (iii) the Final Judgment entered May 26, 2022 (ECF No. 244); and (iv) any and all underlying and/or interlocutory decisions, orders, claim constructions, rulings, findings, instructions, opinions, holdings, and/or conclusions of the District Court relating to, pertinent to, or ancillary to the September 27, 2022 denial of Google’s Rule 50(b) and 59 motions or Final Judgment or leading thereto or merged therein.

In accordance with 28 U.S.C. §§ 1913, 1917, Federal Rule of Appellate Procedure 3(e), Federal Circuit Rule 52(a)(2), and the United States District Court for the Western District of Texas’s Court Fee Schedule, included herewith is payment of the \$505 notice and docketing fees.

Respectfully submitted,

KEKER, VAN NEST & PETERS LLP

Dated: October 21, 2022

Shamita Etienne-Cummings
(admitted to the Western District of Texas)
Allen & Overy LLP
1101 New York Avenue, NW
Washington, DC 20005
Telephone: (202) 683-3810
GoogleEcofactorWDTX@AllenOvery.com

Bijal V. Vakil
(admitted to the Western District of Texas)
Eric Lancaster (admitted *Pro Hac Vice*)
Allen & Overy LLP
530 Lytton Avenue, 2nd Floor
Palo Alto, CA 94301
Telephone: (650) 388-1703
GoogleEcofactorWDTX@AllenOvery.com

/s/ Robert A. Van Nest, with permission by
By: Michael E. Jones

ROBERT A. VAN NEST
LEO L. LAM
EUGENE M. PAIGE
R. ADAM LAURIDSEN
KRISTIN HUCEK
ANNA PORTO
633 Battery Street
San Francisco, CA 94111-1809
Telephone: 415 391 5400
Facsimile: 415 397 7188
econest-kvp@keker.com

POTTER MINTON
Michael E. Jones (TX Bar No. 10929400)
mikejones@potterminton.com
Shaun W. Hassett (TX Bar No. 24074372)
shaunhassett@potterminton.com
110 N. College Ave., Suite 500
Tyler, Texas 75702
Tel: 903-597-8311
Fax: 903-593-0846

Attorneys for Defendant GOOGLE LLC